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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner: Samuel A. BARTS Art Unit: 1621

Re: Application of: Ronald B. MILLER, et al.

Serial No.: 09/800,204

Filed: March 6, 2001

For: **CONTROLLED RELEASE
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SUPPLEMENTAL INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.56

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

September 8, 2003

Sir:

In accordance with the provisions of 37 C.F.R. § 1.97, Applicants hereby make of record the references AA-AG listed on the accompanying Form PTO-1449 (1 sheet) for consideration by the Examiner in connection with the examination of the above-identified patent application.

Pursuant to 37 C.F.R. § 1.98(a), copies of the references listed on the Form PTO-1449 are enclosed. If it is determined that any of the listed references are not presently enclosed, the Examiner is requested to contact the undersigned so that a copy can be forwarded.

It is respectfully requested that the references cited in the accompanying Form PTO-1449 (1 sheet) be considered and made of record.

Additionally, in the Office Action mailed January 14, 2003, the Examiner indicated that the Supplemental Information Disclosure Statement filed on October 23, 2002 was not considered. In a telephonic Interview between the Examiner and Richard V. Zanzalari, Associate Attorney for the undersigned, the Examiner indicated that his reason for not considering the IDS was due to the fact that Form PTO-1449 did not accompany the submission, therefore, there was no way for the Examiner to initial that the references discussed were considered.

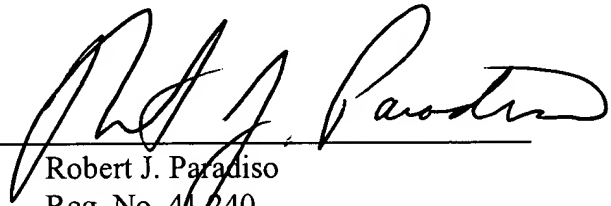
Applicants respectfully submit that the above-mentioned Supplemental Information Disclosure Statement filed on October 23, 2002 was submitted for purposes of disclosing to the Examiner information relating to the Opposition and Litigation based on the corresponding European Patent (EP 0 624 366). Applicants respectfully submit that the references discussed therein were previously provided in 29 pages of Form-PTO 1449, which were filed with the original Information Disclosure Statement for the present case on March 6, 2001. Accordingly, Applicants respectfully request that the Examiner enter the previously considered Information Disclosure Statement filed on October 23, 2002.

This Supplemental Information Disclosure Statement is being filed pursuant to 37 C.F.R. § 1.97 (b)(4), before the mailing of a first Office Action, after the filing of a Request For a Continued Examination, accordingly, no fee is believed due. In the event any additional fee is due or any overpayment made in connection with the filing of this Information Disclosure Statement, the Commissioner is hereby authorized to charge said deficiency or credit overpayment to our Deposit Account No. 50-0552.

Respectfully submitted,

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By



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